GOVERNMENT OF INDIA
PERSONNEL,PUBLIC GRIEVANCES AND PENSIONS
LOK SABHA

UNSTARRED QUESTION NO:5502
ANSWERED ON:29.04.2003
PENSION BENEFITS
VARKALA RADHAKRISHNAN

Will the Minister of PERSONNEL,PUBLIC GRIEVANCES AND PENSIONS be pleased to state:

(a) whether the Government have received any representation, including from various Pensioners Associations regarding fixing of April 1, 1995 as cut off date for allowing DCRC after taking into account 100% of DA on the last pay drawn, thereby putting various categories of the Government servants to a disadvantage;

(b) if so, the details thereof;

(c) whether the judgement of Central Administrative Tribunal, Mumbai Full Bench on 21.9.2001 in OA Nos. 542, 942 and 943 of 97, has been implemented in view of the Judgement of Supreme Court, dated 13.2.2002;

(d) if so, the details thereof, particularly the writ filed by the Government and admitted in the High Court (Judicature) Mumbai on 29.4.2002;

(e) the details of the Supreme Court`s judgement No. 937/95 and SLP No. 11043/95, dated 13.2.2002; and

(f) the reasons for non-issuance of consequential orders so far, for the welfare of the pensioners w.e.f. 1.7.1993 to 31.3.1995?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF PERS(PUBLIC GRIEVANCES AND PENSIONS. (SHRI HARIN PATHAK)

(a) to (f): The issue was agitated by some pensioners before the CAT, Mumbai. The

Hon`ble CAT ruled that they did not find any nexus or rational consideration in fixing the cut off date of 1.4.1995. The Government has filed a Writ Petition against the Judgement before the High Court of Judicature, Mumbai.The Writ Petition has been admitted and the matter is sub-judice.

In the Judgement dated 13.2.2002, of the Supreme Court in SLP (C) No. 11043/1995 and CA No. 937/1995, the Supreme Court has only refused to interfere with the order of the Controlling Authority, which had directed to calculate the amount of gratuity of the petitioners by adding DA in terms of payment of Gratuity Act, 1972, whereas provisions of this Act are not applicable to Central Government employees.